UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application amendment filed on February 7,

2008. Claims 1-10 are amended. Claims 1-10 are pending. Claims 1-10 represent

method for selecting an application sever, a related call session control network

element, a related primary application server and a related called user terminal.

2.   *Claim Rejections - 35 USC § 102*

        A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by

another filed in the United States before the invention thereof by the applicant for

patent, or on an international application by another who has fulfilled the

requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the

invention thereof by the applicant for patent.

        The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-10 are rejected under 35 U.S.C. 102(e) as being unpatentable over

Ejzak U.S. 6,954,654.

        Ejzak teaches the invention as claimed including provision of services in a

communication system including an interworking mobile switching center (abstract).

        As to claims 1, 3, 5 and 9, Ejzak teaches a method for selecting an Application

Server in an Internet Protocol multimedia network (IMMN) upon reception of an Internet

Protocol Multimedia call destined to a called party terminal (CDPT), said method

comprising the step of:

        a. a call session control network element (CSCF) intercepting said

incoming IP multimedia call (column 4, lines 10-24), CHARACTERISED IN THAT said

method further comprises the following steps:

        b. said call session control Network element (CSCF) upon intercepting said

incoming IP multimedia call activating a dedicated primary application server

(AS.sub.PRIM) (column 13, lines 8-11);

        c. said primary application server (AS.sub.PRIM), upon analysis of said incoming

IP multimedia call presenting said incoming IP multimedia call to said called party

terminal (CDPT) together with a set of service applications for answering said incoming

call, said set of service applications being determined in said analysis (column 13, lines

11-18); and

d. said call session control Network element (CSCF) receiving a selection of at

least one service application from said set of service applications forwarded

by said called party terminal (CDPT) (column 16, lines 15-26; column 3, line 66 to

column 4, line 9; column 8, lines 49-54).

As to claim 2, Ejzak teaches the method for selecting an Application Server

according to claim 1,

CHARACTERISED IN THAT said method further comprises the step of: said call

session control network element (CSCF) based on said at least one selected

service application invoking at least one secondary Application Server (AS1 .

. . ASn) corresponding to said at least one selected service application (column 16,

lines 1-9).

As to claim 4, Ejzak teaches the Call Session Control network element (CSCF)

according to claim 3, CHARACTERISED IN THAT said Call Session Control network

element (CSCF) further comprises a Secondary Application server invocation means

(SASIM), coupled with an input to an output of said Selection receiving means (SRM)

and adapted to activate based on said at least one selected service application at least

one secondary Application Server (AS1 . . . ASn) corresponding to said at least

one selected service application (column 16, lines 1-9).

As to claim 6, Ejzak teaches the Primary Application Server (AS.sub.PRIM) according to claim 5, CHARACTERISED IN THAT said call presentation information forwarding means (CPM) is adapted to forward said call presentation information of said incoming IP multimedia call and/or said set of service applications for answering said incoming call via an HyperText Transfer Protocol session (column 3, line 66 to column 4, line 9).

As to claim 7, Ejzak teaches the Primary Application Server (AS.sub.PRIM) according to claim 5, CHARACTERISED IN THAT said call presentation information forwarding means (CPM) is adapted to forward said call presentation information of said incoming IP multimedia call and/or said set of service applications for answering said incoming call via an Wireless Application Protocol session (column 7, lines 19-26).

AS to claim 8, Ejzak teaches the Primary Application Server (AS.sub.PRIM) according to claim 5, CHARACTERISED IN THAT said call presentation information forwarding means (CPM) is adapted to forward said call presentation information of said incoming IP multimedia call and/or said set of service applications for answering said incoming call via said Call session control network element (CSCF) (column 9, lines 4-11).

As to claim 10, Ejzak teaches the Called Party Terminal (CDPT) according to claim 9, CHARACTERISED IN THAT said application presentation means (APM) is a web-browser (column 3, lines 16-22, Ejzak discloses that the invention is designed to use emerging internet standard such as SIP (i.e. text-based protocol that is based on HTTP and MIME, which makes it suitable and very flexible for integrated voice-data applications. SIP is designed for realtime transmission, uses fewer resources and is considerably less complex than H.323. Its addressing scheme uses URLs and is human readable (i.e. "web browser"); for example: sip:john.doe@company.com) for IMS (IP multimedia subsystem) signaling for establishing a call).

4.   ***Response to Arguments***

Applicant's arguments filed on February 7, 2008 have been fully considered but they are not persuasive.

(A)   Applicant argues that Ejzak does not teach or suggest a "call session control Network element (CSCF) upon intercepting said incoming IP multimedia call activating a dedicated primary application server" as recited in the claim.

In regards to point (A), examiner respectfully disagrees.

In column 13, lines 8-16, Ejzak discloses to provide the features and services indirectly, the S-CSCF sends standard SIP signaling to one or more application servers in the network...the S-CSCF (i.e. A Serving-CSCF (S-CSCF) is the central node of the

signaling plane. It is a SIP server, but performs session control too. It is always located

in the home network. It uses DIAMETER Cx and Dx interfaces to the HSS to download

and upload user profiles — It has no local storage of the user. All necessary information

is loaded from the HSS. It handles SIP registrations, which allows it to bind the user

location (e.g. the IP address of the terminal) and the SIP address. it sits on the path of

all signaling messages, and can inspect every message (i.e. "intercepting incoming IP

multimedia call"). It decides to which application server(s) the SIP message will be

forwarded, in order to provide their services (see www.answers.com)) directly provides

features and services for the UE (user element) indirectly through application servers

(i.e. " activating a dedicated primary application server").

        (B)   Applicant argues that Ejzak does not teach or suggest that "a primary

application server, upon analysis of an incoming IP multimedia call presents the

incoming IP multimedia call to a call party terminal (CDPT) together with a set of service

applications for answering the incoming call", as required by the claim.

        In regards to point (B), examiner respectfully disagrees.

        In column 13, lines 8-18, Ejzak discloses provide the features and services

indirectly, the S-CSCF sends standard SIP signaling to one or more application servers

in the network. Although the exemplary embodiment describes the case where the S-

CSCF directly provides features and services, the procedures described here also

apply, with minor modifications, when the S-CSCF provides features and services for

the UE indirectly through application servers (i.e. "analysis of an incoming IP

multimedia call"). The PSTN delivers (414) phone calls destined for a UE ("call party

terminal") that can be registered for service with an IMS (IP multimedia subsystem) to

that IMS (i.e. "presenting the incoming IP multimedia call to a call party terminal").

(C)   Applicant argues that Ejzak does not teach or suggest that "a call session

control network element receives a selection of at least one service application from a

set of applications forwarded by a called terminal", as required by the claim.

In regards to point (C), examiner respectfully disagrees.

In column 3, line 66 to column 4, line 9, Ejzak discloses call session control

network which perform multiple functions including incoming call gateway (i.e.

"receiving a selection of at least one service application"); in column 8, lines 49-54,

Ejzak discloses when a mobile unit registers, iMSC server 201 (i.e. "called party

terminal") queries DNS 165 to obtain the domain name and subsequently the IP

address of the I-CSCF to which it shall forward the registration message. The I-CSCF

can then do a query to DNS 165 to get the domain name and subsequently the IP

address of the HSS to query

5.   *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Examiner has cited particular columns and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to El Hadji M Sall whose telephone number is 571-272-

4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/El Hadji M Sall/

Examiner, Art Unit 2157

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157